

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

Barbara Staples, Personal Representative of  
the Estate of Daniel Staples,

Plaintiff,

vs.

Bradley C. Thaemert, M.D., and the  
Surgical Institute of South Dakota, a  
South Dakota corporation,

Defendants.

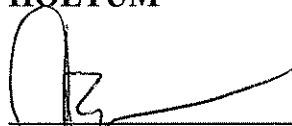
Case No. 09-4090

**JOINT MOTION FOR DISMISSAL**

Plaintiff, by and through her counsel of record, James E. Malters of Malters, Shepherd & Von Holtum and William J. Maddix, Chris A. Messerly and Genevieve M. Zimmerman and Robins Kaplan Miller & Ciresi LLP, and Defendants, by and through their counsel of record, Mark W. Haigh and Davenport, Evans, Hurwitz and Smith, L.L.P., hereby stipulate and agree to the dismissal on the merits with prejudice of the above-entitled action and hereby dismiss the same, each party to bear its own costs, expenses, and attorneys' fees.

Dated at Worthington, Minnesota, this 29 day of December, 2010.

**MALTERS, SHEPHERD & VON  
HOLTUM**



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**AND**

**ROBINS KAPLAN MILLER & CIRESI,  
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*Attorneys for Plaintiff*

Dated at Sioux Falls, South Dakota, this 5 day of January, 2011.

**DAVENPORT, EVANS, HURWITZ &  
SMITH, L.L.P.**



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